

Remarks/Arguments

Claims 1-7 and 9-10 are pending. The claims have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. Support for the amendment is provided in, for example, page 10, lines 19-21, of the specification. No new matter is believed to be added by the present amendment.

Rejection of claims 1-7 and 9 under 35 USC 103(a) as being unpatentable over Kaganas et al. (US 6425018) and Narasimhalu et al. (US Pat No 5412718)

Applicants submit that for at least the reasons discussed below the present amended claims are patentably distinguishable over the cited combination of Kaganas and Narasimhalu.

Amended claim 1 recites "... determining a unique identification associated with the removable data storage device coupled to the handheld audio playback device, and decrypting the audio data file **using the unique identification** and decrypting the associated decoder file **using a first key**; decoding the decrypted audio data file in accordance with the decrypted decoder file in the digital signal processor..." Applicants submit that neither Kaganas nor Narasimhalu disclose or suggest this limitation of amended claim 1.

The office action acknowledges that Kaganas fails to teach the step of decrypting the audio data file using a unique identification associated with the storage device. Narasimhalu is cited to provide the missing element.

Narasimhalu teaches a system that provides for encrypting distributed information (DI) using a unique key. The unique key is generated using a signature, which is derived from nonuniformities associated with the device, and the storage medium identification (col. 2, lines 18-27; col. 6, lines 22-27). The nonuniformities exist due to imperfections in the fabrication of the medium (col. 4, lines 21-24). The DI is then encrypted using the unique key. The supporting information (SI), which may include the enabling programs, may then also be encrypted using the unique key (col. 5, lines 37-39; col. 6, lines 42-45). When using the information, the system verifies the signature, generates the key, and

decrypts the information using the generated key (col. 7, lines 8-33). Thus, according to Narasimhalu, the information on the storage medium is decrypted by the unique key that is generated using the signature.

However, nowhere does Narasimhalu disclose or suggest decrypting an audio file and the associated decoder file **using separate keys** as provided in the present invention. The use of separate keys to decrypt the audio file and to decrypt the decoder file provides an additional layer of security in the present invention (page 9, lines 7-9). In fact, Narasimhalu notes that the supporting information (SI), which may include the enabling programs, normally is not encrypted (col. 5, lines 37-38). When the SI is encrypted, it is encrypted using the same key used to encrypt the distributed information DI (col. 6, lines 40-45). Nowhere does Narasimhalu disclose or suggest "... decrypting the audio data file **using the unique identification** and decrypting the associated decoder file **using a first key**; decoding the decrypted audio data file in accordance with the decrypted decoder file in the digital signal processor..." as recited in amended claim 1.


In view of the above, applicants submit that neither Kaganas nor Narasimhalu teach or suggest a notable feature of amended claim 1, and as such, amended claim 1, and the claims that depend therefrom, are patentably distinguishable over any combination of Kaganas and Narasimhalu.

Amended claims 4 and 6 recite the above-noted limitations of claim 1 in apparatus form and in system form, and thus, claims 4 and 6, and the claims that depend therefrom, are believed to be patentably distinguishable over Kaganas and Narasimhalu for at least the same reasons as those discussed above with respect to amended claim 1.

New claim 10 has been added to more fully claim the subject matter that applicants regard as their invention. As discussed above, applicants submit that Kaganas and Narasimhalu fail to teach or suggest decrypting a selected audio file and an associated decoder file using separate keys. That is, the cited references fail to teach or suggest "... decrypting the audio data file using the first key and decrypting the associated decoder file using the second key..." as recited in new claim 10.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
SIN HUI CHEAH ET AL.

By: 
Paul P. Kiel
Attorney for Applicants
Registration No. 40,677


THOMSON Licensing Inc.
PO Box 5312
Princeton, NJ 08543-5312

Date: 12/7/05

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, Alexandria, Virginia, 22313-1450 on:

12-7-05
Date


~~Linda Tindall~~ ELIZA BUCHALCZYK